

**TOWN OF DAVIE**  
**TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

**PREPARED BY:** Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

**SUBJECT:** December 3, 2008 minutes

**AFFECTED DISTRICT:** n/a

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** December 3, 2008 (Regular Meeting)

**REPORT IN BRIEF:** Council minutes from the December 3, 2008 Council meeting.

**PREVIOUS ACTIONS:** n/a

**CONCURRENCES:** n/a

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Motion to approve

**Attachment(s):** December 3, 2008 minutes

**TOWN OF DAVIE  
REGULAR MEETING  
DECEMBER 3, 2008**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:01 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Luis, and Councilmembers Crowley and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

Mayor Truex announced that the Town would host the Lighting of the Green on December 7th.

**3. OPEN PUBLIC MEETING**

Larry Davis wanted the Town to be more “green” regarding recycling. He indicated that his goal was to have recycling receptacles in all Town parks and facilities and added that a petition had been circulated at his son’s school.

Dylan Davis described his wish that recycle bins be more available.

Karen Gonzalez, Silver Ridge Elementary School teacher, presented a packet of recycling petitions signed by students and parents, and remarked on the lack of receptacles in Town parks.

Robert Drates, Silver Ridge Elementary Student Council President, requested recycling bins be installed in all Town parks.

Several students from Silver Ridge Elementary remarked on how wasteful it was that parks did not have recycle bins, and requested that they be installed.

Mayor Truex thanked the staff and students from Silver Lake for encouraging the Town to recycle. He explained that there were start-up costs associated with expanding the recycling program. Last year, the Council had approved Bamford Park as a drop off for Broward County recycling. Mayor Truex believed that Town staff had applied for a grant, and he hoped the recycling receptacles would be in Bamford by the end of the school year. Once the program was successful in one park, he hoped to expand it to other parks. Mayor Truex asked the students to help educate the public about recycling.

Councilmember Starkey thanked the students for their input and efforts to encourage recycling.

Vice-Mayor Luis thanked the students for leading the community in this effort.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to direct staff to expedite and put the needed staff resources into the recycling project. In a voice vote, all voted in favor. (Motion carried 4-0)

Joyce Stewart felt the intent of the open space bond had changed since the Open Space Advisory Committee had presented it to residents. She asked Council to reconsider the name of the park on Hiatus Road because she felt the name was

“degrading” to the intent of naming parks for residents who had done worthwhile things to benefit the Town.

Paula Twitty referred to the case regarding a Davie police officer who had been charged with sexual misconduct and felt Police Chief Patrick Lynn had had done the best he could. She took issue with some of the things that had been printed in the newspaper regarding this case.

Chief Lynn explained that the Police Department had conducted a serious investigation in this case. He felt the newspaper article had been “exceptionally misleading” and had omitted facts from the Police report. Chief Lynn stated that detectives spoke with the victim that night and there had been no allegation of rape. The police officer had been relieved of duty the following morning and would never return. Chief Lynn stated that the police report was public record and anyone could review it, if desired. He indicated that he had phoned the newspaper editor and reporter regarding this article, and offered to discuss the case with anyone who requested it.

Peter Dunne announced that the Davie Youth Lacrosse Foundation and Davie Tackle Football Club were donating the funds to upgrade the scoreboard at the stadium at Bamford Park which would make it easier to operate and safer for kids. He asked Council to consider upgrading the Bamford Park stadium field to a press box. Mr. Dunne presented renderings of improvements, a list of associated costs and a petition with 125 signatures, and suggested that open space bond monies be used to make the improvements. He said that the Parks and Recreation Advisory Board had voted unanimously that each district should contribute equally from its portion of the open space bond for these improvements.

Councilmember Crowley did not agree that open space bond funds from other districts should be used. He recommended that the request go through the Capital Improvement process. Mayor Truex agreed that other districts should not contribute to this project and recommended that the status of projects in District 2 be discussed at the next Council meeting. Councilmember Crowley stated that approximately \$500,000 had already been allocated to Bamford Park for improvements. Vice-Mayor Luis supported the construction of a press box and would be in favor of building it if the Town could identify the funding. Councilmember Starkey said that the open space bond funds were to be used for passive amenities only. She agreed that the press box project was important and noted how long it had been sought, but agreed the project should go through the proper process.

Linda Greck, Open Space Advisory Committee member, related her experience with the Bamford Park facility and agreed a press box would enhance the sports programs tremendously. However, she did not feel the open space bond funds should be used.

Lloyd Phillips described problems that he had encountered with Davie Police Department since 1996. He wanted to pursue a Consent Decree at the Federal level to effect a change in Davie.

Judy Paul invited everyone to the 21st Annual Christmas Toys in the Sun Run on December 14th.

Karen Stenzel-Nowicki spoke regarding the land use plan amendment and the Transit Oriented Corridor, which were stalled at the County level. She remarked that this was critical to the Town’s future and offered to meet with members of the County Commission to help move the project forward.

Mayor Truex advised that item 4.19 needed to be added to the agenda. Town Clerk Muniz explained there were ongoing issues for which the Town wanted to utilize this contractor, and therefore wished to have this item approved quickly.

Councilmember Crowley made a motion, seconded by Mayor Truex, to add item 4.19. In a voice vote, all voted in favor. (Motion carried 4-0)

Mayor Truex asked that item 8.3 be added.

Councilmember Crowley made a motion, seconded by Mayor Truex, to add item 8.3. In a voice vote, with Councilmember Starkey opposed, all voted in favor. (Motion carried 3-1)

#### **4. APPROVAL OF CONSENT AGENDA**

##### *Minutes*

4.1 November 5, 2008 (Regular Meeting) (tabled from November 19, 2008)

##### *Business Tax Receipts*

4.2 Pristine Gowns Inc., 11891 SW 43 Court

4.3 TBD, 10600 SW 47 Street

*Resolutions*

- 4.4      **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN OF DAVIE AND MICRO SYSTEMS CONSULTANTS INC FOR PROGRAMMING SERVICES. (\$15,000)
  
- 4.5      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE TOWN AND BROWARD COUNTY FOR HOUSEHOLD HAZARDOUS WASTE DROP OFF EVENTS.
  
- 4.6      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE BROWARD COUNTY SUPERVISOR OF ELECTIONS AND THE TOWN OF DAVIE FOR THE PURPOSE OF ENGAGING POLL WORKERS FOR MUNICIPAL ELECTIONS.
  
- 4.7      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE UTILITY MONITORING AGREEMENT WITH FLORIDA LEAGUE OF CITIES, INC.
  
- 4.8      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, ACCEPTING MIDRANGE SUPPORT & SERVICES INC. AS A SOLE SOURCE PROVIDER FOR IBM MAINTENANCE SERVICES FOR VARIOUS IBM COMPUTER SYSTEMS, PERIPHERAL EQUIPMENT AND SOFTWARE. (\$37,922.53)
  
- 4.9      **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NOS. 06-425 AND 07-1008 FROM \$143,600.00 IN AMOUNT TO \$10,000.00; AND PROVIDING AN EFFECTIVE DATE.
  
- 4.10     **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO. 07-1217 FROM \$5000.00 IN AMOUNT TO \$1010.98; AND PROVIDING AN EFFECTIVE DATE.
  
- 4.11     **DONATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DONATION OF PERSONAL PROTECTIVE BUNKER GEAR EQUIPMENT THAT NO LONGER MEETS NATIONAL AND LOCAL FIRE STANDARDS TO PALM COAST VOLUNTEER FIRE RESCUE INC.

- 4.12     **SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RECOGNIZING THE “BUILDING CITIZENSHIP IN THE COMMUNITY: BACK TO BASICS” INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC., AND PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT.

- 4.13     **OPPOSITION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA OPPOSING THE ENCROACHMENT ON EASEMENTS OR SIDEWALKS SOUTH OF STATE ROAD 84 AS PART OF THE I-595 RECONSTRUCTION PROJECT FM# 420809-3-52-01 AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.
- 4.14     **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE “NORWEGIAN SEAMEN’S CHURCH” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 1-1-08, Norwegian Seamen’s Church, 2950 South Flamingo Road)

*Temporary Use Permit*

- 4.15     TU 9-3-08, Saddle Bridge, generally located on the southwest corner of Griffin Road and SW 76 Avenue (permit for a construction trailer and storage compound)

*Quasi-Judicial Consent Agenda*

- 4.16     SP 6-9-06, West Oak Estates, 1900 SW 145 Avenue (R-1) (tabled from November 19, 2008) *Site Plan Committee recommended approval based on the “Planning Department comments” and the following: to delete the Pigeon Plum trees and replace them with Live Oak 14- to 16-foot; substitute Silver Buttonwood shrubs with Green Buttonwood shrubs; in the cul-de-sac circle, install one 20-foot Oak with ferns below so there would be no sod; on the specified light fixture, they are to be replaced with fixtures that are compatible with the rural lifestyle ordinance and could be similar to the FPL colonial style as long as the light does not shine upward; and that the roads, sidewalks, swales and street trees would all be installed before the first Certificate of Occupancy*
- 4.17     SP 3-4-06, Town Center Townhomes, 6651 SW 41 Street (RM-16) (tabled from November 19, 2008) *Site Plan Committee recommended approval subject to the following comments and conditions: 1) that the entry wall would have decorative features placed on it and would be consistent with the design of the project; 2) that a one-way-only sign should be placed on the radius curb facing the two compact spaces in order to prevent people who leave the compact spaces from going the wrong way; 3) change drawing LA-1 to show the sidewalk to match the main site plan drawing; 4) that the applicant agreed if the Slash Pines did not survive the re-grading, they would be mitigated and replaced; 5) the tree protection barriers would be in place before the project work starts; 6) add three accent trees on the west wall of building one; and 7)*

*if permitted by Florida Power & Light, to use “meter banks” at the end of each building*



- 4.18 SPM 1-5-08, Norwegian Seamen's Church, 2950 South Flamingo Road (CF) *Site Plan Committee recommended approval subject to the following: 1) that the color for the siding would be the actual pre-finished siding samples, not the display colors on the board; 2) add a crosswalk in pavers through the driveway to connect the island sidewalk to the facility sidewalk and that the pavers should match the crosswalk at the entrance access drive; 3) at the northeast corner property behind the rectory, replace the ten Silver Buttonwood with Green Buttonwood, full 14- to- 16-foot height and install a berm in that area to the maximum height allowed and have all the plants installed within that berm; 4) bring back to the Site Plan Committee for review the revised west wall elevation of the community center which should be consistent with the architecture on the remainder of that building and one that was not a "flat-face" with elements stuck on it; and 5) that the emergency vehicle access be stabilized with sod on top and irrigation provided*

*Item to be added*

- 4.19 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SOLID RESOURCES, INC. FOR EMERGENCY MANAGEMENT AND DISASTER RECOVERY CONSULTING SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Luis pulled item 4.16 be from the Consent Agenda. Councilmember Starkey pulled items 4.1, 4.9, 4.14, and 4.18 be removed. Councilmember Crowley pulled item 4.13. Mayor Truex pulled items 4.10 and 4.19.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the Consent Agenda less items 4.1, 4.9, 4.10, 4.13, 4.14, 4.16, 4.18, and 4.19. In a voice vote, all voted in favor. (Motion carried 4-0)

## **5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.1 Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table this item to their next meeting. In a voice vote, all voted in favor. (Motion carried 4-0)

Councilmember Starkey requested that item 8.1 be heard out of order and Council agreed.

4.9 Councilmember Starkey had questions regarding the mitigation request and noted that the Town had recurring Code Enforcement issues on this property. She asked about the amounts in the report, which she felt might contain a discrepancy.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table this item to their next meeting. In a voice vote, all voted in favor. (Motion carried 4-0)

4.10 Councilmember Crowley made a motion, seconded by Mayor Truex, to approve subject to the guideline amount of \$1,635.98. In a voice vote, with Vice-Mayor Luis dissenting, all voted in favor. (Motion carried 3-1)

4.13 Councilmember Crowley wanted clarification regarding the encroachment and the easement.

Councilmember Starkey explained that some property owners desired a wall and some did not. The problem was that the Florida Department of Transportation (FDOT) was negotiating with property owners one-by-one, instead of dealing with the Town.

Councilmember Crowley made a motion to approve. Motion died for lack of a second.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve subject to adding a Whereas: that the Town of Davie recognizes that the sidewalks that run east/west are an important aspect of the Town and that FDOT should coordinate with the Town.

In a voice vote, with Councilmember Crowley and Vice-Mayor Luis dissenting, the item was automatically tabled to Council's next meeting.

4.16 Mr. Rayson described the request. Deputy Planning and Zoning Manager David Abramson summarized the staff report.

Gus Aguirre, representing the applicant, stated that the applicant had complied with all Code requirements and the Site Plan Committee recommended approval. He had met again with nearby property owners as suggested by Council, where he had offered to construct a fence for security. Mr. Aguirre explained that the petitioner had held three public participation meetings and had also received approval from the Central Broward Water Control District.

Mr. Rayson opened the public hearing portion of the meeting.

Karen Lynn felt the problem was with the platting of the property. She said that the question was where to best locate the road, and whether the residents were properly noticed. Ms. Lynn said that the residents had been promised that the road would be located on the north side of the property and presented affidavits from neighbors indicating they had not received notice of the public participation meetings. She said that suggestions had been made to the applicant as to how the situation could be resolved, but these suggestions had been ignored.

Ms. Lynn asked Council not to approve the project as presented and requested that neighbors be noticed for all meetings regarding this project to ensure compatibility with existing homes. She felt the elected officials were obligated to defend the rural lifestyle and not approve the project until the neighborhood, with the Town's help, could arrive at a mutually acceptable solution.

Ms. Lynn stated that the neighbors had requested a streetlight, and that the road be pushed north.

Judy Paul remembered when she was on Council and they had considered this. She had attended the public participation meetings, and wanted the applicant to make some concessions to solve the problem. Councilmember Starkey remembered discussing the location of the road, and said that the south side had been selected because they did not want the street to align with any through streets, to maintain the rural lifestyle.

Mr. Aguirre stated that the plat had already been approved and indicated that this request was for site plan approval. The applicant had complied with all Code requirements and had the recommendations from the Site Plan Committee.

Ms. Lynn informed Vice-Mayor Luis that the neighbors wanted the road moved 30 feet. Vice-Mayor Luis asked Mr. Aguirre if his client would be willing to do this. Mr. Aguirre described the road location and explained that the placement was determined by the plat. Mr. Abramson confirmed that moving the road would cause problems with the lot sizes.

Mr. Aguirre informed Councilmember Crowley that the lighting was dictated by Code, and they had agreed to use a type of lighting that generated no light spill, consistent with the Rural Lifestyle ordinance.

As no one else spoke, Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Staff confirmed that the project was fully compliant with the rural lifestyle initiative.

Mayor Truex remembered discussing the road placement issue, and recalled there were arguments for placing the road on the north and south sides of the property. He felt the developer was going beyond what the Code required.

Vice-Mayor Luis remarked that the developer had been unable to appease the residents. He said that he would not support the project because of this.

Councilmember Starkey supported the project. She noted that a small number of residents opposed it and asked staff if there were problems with notification. Staff confirmed that the notification complied with Code. Councilmember Starkey believed this was compatible with the surrounding neighborhood.

Councilmember Starkey made a motion, seconded by Councilmember Crowley to approve the site plan with the conditions from the Site Plan Committee, including the low lighting.

The public hearing portion of the meeting was reopened.

Mr. Aguirre informed Ms. Lynn that horses would be permitted on the home sites. Mayor Truex pointed out that the lot sizes would be decreased if the road were moved.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 3 -1)

Councilmember Crowley requested that item 9.2 be moved up on the agenda. Council agreed.

4.14, 4.18 and 6.2 Mr. Rayson read the resolution and ordinance by title and swore in witnesses. Mr. Abramson summarized the staff report and added that no variances were needed.

Jon Voigt, representing the applicant, summarized the project. He provided background on the church and explained that the church wished to relocate from the Port of Miami to Davie. Mr. Voigt said that the church was a “home away from home” for Scandinavians and the church anticipated there would never be more than 50 people on the site. He said that they had tried to design the site to ensure that people moving into homes that would be built to the north of the site would not be negatively impacted by the operation of a community facility.

Mr. Voigt drew Council’s attention to the restrictive note on the boundary plat restricting it to 3,200 square feet of church, 5,650 square feet of office and fellowship hall, 2,300 square feet of garage and storage, and a rectory, consisting of three townhouse units ancillary to the church use. Other uses were not permitted without the approval of the County Commission. He offered to include a deed restriction on the property limiting it to church use.

Mr. Voigt referred to a rendering and described the conceptual site plan. He informed Mayor Truex that the church had agreed to a waiver of sovereign immunity and had already submitted a letter to that effect.

Mr. Voigt stated that the town houses looked very western in design and the trees between the town houses and the single-family homes were planted on a berm. They had also doubled the number of trees and the setback required. The Flamingo Road corridor, the south and west borders would also be densely landscaped.

Dag Havgar, Pastor of the Norwegian Seamen’s Church, explained the need for the church. He said that they had selected this site because he felt it combined the American and the Scandinavian.

Mr. Voigt reminded Council that there was no school. It was not the sort of property people would visit daily and would host Sunday services only.

Pastor Havgar informed Councilmember Starkey that a maximum of three families who assisted in operations would live at the facility in the three townhouses and

no visitors would live at the property. He estimated 20 to 30 people would regularly attend the church's services and indicated that it was estimated that there would be sufficient parking for visitors to the property.

Councilmember Starkey said that she would prefer that a variance be sought for grass-based overflow parking rather than losing green space to asphalt. She was not fond of the "stacking wall townhouse look" of the living units that faced the residential-zoned property to the north and would prefer it if this looked like a "complete home." Mr. Voigt said that it would appear too massive if designed as a single-family home. He noted that the additional landscaping and setback would mitigate the view from the adjacent property.

Councilmember Starkey wanted to turn the garage to face the west to eliminate the asphalt to the north. Mr. Voigt said that this was designed to accommodate the dumpster access and was situated this way at the Site Plan Committee's request. He said, "This has been beaten up for a long time; this is the best they've come up with...it's been changed and changed and changed and ... the pieces in the puzzle can't really be slid around anymore without starting over." Councilmember Starkey stated, "I would hope that if that's the case and that's the attitude, then my Council will deny the site plan." She said that she did not have a problem with the plat or the zoning, but had concerns with the site plan. Mr. Voigt said that the church could not afford to redesign the site plan again.

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Mayor Truex remembered that the person who owned the property to the north had attended the public participation meeting and he recalled that there were concessions made to address that owner's requests. He acknowledged Councilmember Starkey's concerns, but did not want to force the church to "go back to square one" with their design and indicated that he did not believe the dumpster would be obtrusive. Mayor Truex agreed it would be preferable to have less asphalt, but did not want to deny the project since their parking area design was Code compliant. He wanted to move that the applicant should pursue a variance to use grass instead of asphalt for some of the parking area, but not make approval of the project contingent upon it.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve 4.14.

Councilmember Starkey asked to amend Section 1 of the resolution for approval on the plat to include, subject to approval of the planning report and the Planning and Zoning Board's recommendations. Mr. Rayson advised that the deed restriction should be attached to the motion for item 6.2. Mr. Voigt agreed to add to the deed restriction the condition that if the property was no longer a church, the residential units could not be used. Councilmember Starkey recommended that if the property were sold, the property would revert back to agricultural zoning. Tom Suarez, representing the applicant, agreed to this additional condition, unless the property was sold to another church.

Mr. Abramson clarified that the motion included staff recommendations, Planning & Zoning Board recommendations and editing Section 1 to include the Planning and Zoning Board's recommended restrictions.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve item 4.18 including staff, the Site Plan Committee's and Planning & Zoning Board's recommendations, if any.

Councilmember Starkey reiterated that she wanted pervious parking on the western portion. Mayor Truex asked Mr. Rayson if Council could include that the applicant should make a good faith effort to work something out to use pervious material for the western section of the parking area without holding up the project. Mr. Voigt agreed to obtain an opinion whether this would require a variance. The applicant could

then file a variance application, provided if they could get an administrative approval rather than going through site plan review again, which would delay the building permit.

Mayor Truex said that Council was asking the church to make a good faith effort to see what could be done to accomplish this, and bring it back to Council if they needed further direction to fast track it. Mr. Voigt agreed. Councilmember Crowley interjected that this would not involve a variance. Councilmember Crowley and Vice-Mayor Luis agreed to amend the motion to include this.

Councilmember Starkey stated that she would still vote against the request because the townhouse was too close the north side of the property and was too linear. She was also still concerned about the garage and dumpster.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion carried 3-1)

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve 6.2 with the deed restrictions agreed to, including the condition that if the property changed use, it would revert back to the original zoning.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

4.19 Town Clerk Muniz explained that this resolution was selecting a company previously approved by Council to provide disaster management services. He indicated that the Town had performed many services in-house, except for monitoring.

Vice-Mayor Luis made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, all voted in favor. (Motion carried 4-0)

## **6. PUBLIC HEARING**

*Ordinance - First Reading (Second and Final Reading to be held December 17, 2008)*

- 6.1 **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 6-1-08 "ROSS", VACATING PORTIONS OF RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 6-1-08, Ross, 4301 SW 95 Avenue)**  
*Planning and Zoning Board recommended approval subject to the stipulations which the applicant had agreed to [1) not to enlarge the stable/barn structure and 2) to move all the fences to the center line of the old right-of-way which would be the new property line]*

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held on December 17, 2008.

Mayor Truex opened the public hearing portion of the meeting.

David Ross, the applicant, said that he was trying to get a portion of right-of-way vacated because his stables were encroaching into it; the remainder of the right-of-way would still be available for public use. He advised that he had letters from the adjacent neighbors supporting his request.



Planning & Zoning Manager David Quigley said that although they were wary of giving up right-of-way, there was no identified need for the land on the local road Master Plan.

As no one else spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Vice-Mayor Luis, to approve because it was in keeping with the Town's Rural Lifestyle; it did not impede on the trail system at Treetops Park, subject to all Planning and Zoning Board recommendations. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

*Ordinance - First Reading/Quasi Judicial Item (Second public hearing to be held December 17, 2008)*

6.2     **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-07, Norwegian Seamen's Church, 2950 South Flamingo Road) (tabled from October 15, 2008) *Planning and Zoning Board recommended approval subject to any restrictions which the Town had asked for in terms of not for a school use and the residence apartments for none other than rectory/church staff; and subject to staff's comments (none made)*

This item was approved subject to conditions earlier in the meeting.

## **7. APPOINTMENTS**

Town Clerk Muniz explained that the United Ranches Preservation Board was required by the annexation agreement and the Board reviewed any rezoning or land use change in the area. The Board only met when an item required their attention.

### **7.1 Mayor Truex**

- 7.1.1 United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2010)

Mayor Truex appointed Carolyn Gill.

- 7.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

### **7.2 Vice-Mayor Luis**

- 7.2.1 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.2.2 Open Space Advisory Committee Agency (one exclusive - term expires April 2010)

No appointment was made.

- 7.2.3 United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2010)

Vice-Mayor Luis appointed Toby Perkins.

### **7.3 Councilmember Crowley**

- 7.3.1 United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2010)

Councilmember Crowley appointed Pat Mason.

### **7.4 Councilmember Starkey**

- 7.4.1 Open Space Advisory Committee Agency (one exclusive appointment- term expires April 2010)

7.4.2 United Ranches Preservation Board (one-exclusive  
appointment - member shall reside in the United Ranches area;  
term expires December 2010)

Councilmember Starkey appointed Ben Wesley.

- 7.4.3 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.5 District One Councilmember

- 7.5.1 United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2010)

No appointment was made.

- 7.6 Unsafe Structures Board (one non-exclusive appointment; term expires April 2009) (appointment shall be a plumbing contractor - member shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

No appointment was made.

- 7.7 Broward Metropolitan Planning Organization (term expires March 17, 2009)

No appointment was made.

## 8. OLD BUSINESS

8.1 Presentation to Bryan Caletka

Earlier in the meeting, Mayor Truex presented a plaque to Mr. Caletka in recognition of his service to the Town as Councilmember.

8.2 Mobile Home Task Force Final Report and Recommendations for Relocation Assistance for Residents of the Palma Nova Mobile Home Park

Later in the meeting, Giovanni Moss, Housing and Community Development, summarized the final report of the Mobile Home Task Force for assistance for Palma Nova residents, which included a relocation program design and a proposed budget. The program the Task Force developed allowed up to \$3,000 for 377 households for relocation assistance, which would be allocated on a first-come-first-serve basis. Mr. Shimun felt there should be additional criteria to qualify for assistance. Until a source of funding was identified, he did not "see us doing much with it at all." Mr. Moss said that the Task Force had recommended assistance on a first-come-first-serve, first-qualified basis.

Councilmember Crowley wanted more information on where funding would come from. Mr. Moss explained that the Task Force had devised three qualification classes: seniors, special needs, and other households. The total compensation would be adjusted according to remaining rent.

Mayor Truex asked if anyone wished to speak on this issue.

Cindy Hernandez pointed out that the biggest problem was housing, of which the Town had none. There were people in the park who did not know where they would go because there was nowhere they could afford. Ms. Hernandez remarked on the vandalism that was taking place in the park due to lack of security.

Ms. Stenzel-Nowicki said that one funding possibility was the endowment fund. She suggested asking the property owner to match those funds.

Debra Lewis, Mobile Home Task Force member, said that HUD would allocate funds to Davie for a foreclosure stabilization program. She had devised an exit plan that included moving displaced people into foreclosed homes.

Councilmember Starkey wanted better qualification criteria to be established by staff. She asked if the Urban Group was sharing case management. Mr. Moss said that staff had met with the Urban Group on a bi-weekly basis for updates. He noted that they had relocation contracts with 832 residents, most of whom were able to move their mobile homes or were abandoning their mobile homes. There were other owners who did not fit the Urban Group's criteria for relocation assistance.

Mayor Truex asked Mr. Moss what the next step would be if Council approved the program. Mr. Moss stated that the next step would be to develop an application form and a required documents list.

Mr. Moss said that the estimated maximum cost for the program was \$1.1 million. Mayor Truex said that he was comfortable spending this amount.

Councilmember Starkey wanted to immediately commit \$100,000 from the Community Endowment Fund for relocation assistance. Mayor Truex wanted Mr. Shimun to identify funding options. Councilmember Starkey noted that it would require a resolution at the next Council meeting to move funds from the Community Endowment fund to a special account for use by the relocation program.

Vice-Mayor Luis asked who would disburse the funds. Mr. Moss responded that someone from another department could be reassigned to this responsibility. Mr. Shimun said that there were personnel in other departments who could be utilized, so no additional personnel would need to be hired.

Councilmember Crowley supported relocation assistance, provided they could identify the funding.

Vice-Mayor Luis pointed out there were 24,000 mobile homes in Davie. If every mobile home owner was given \$3,000, this amounted to \$72 million.

Mayor Truex made a motion, seconded by Councilmember Crowley, to approve the recommendation with two conditions: 1) before it was final, Council was provided detailed guidelines and an action plan of how it would be implemented; and 2) Mr. Shimun would report on the balance in the Endowment Fund and in reserves, and would identify any other possible funding sources they had not thought of this evening. Councilmember Crowley stated that this information should be provided at Council's next meeting.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

### 8.3 Carpet/Furnishings: Building/Engineering Divisions

Mr. Shimun reminded Council that Councilmember Crowley had requested additional information at Council's last meeting. This had been provided to him and he could move to reconsider.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to reconsider item 5.3, the budget amendment, from the previous meeting.

In a voice vote, all voted in favor. (Motion carried 4-0)

Councilmember Crowley stated that Fire Chief Joseph Montopoli had provided a more detailed cost estimate for the Building and Engineering Divisions' renovations, which was estimated at \$40,000.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve the \$40,000 for the renovations and furnishings, which could be relocated if staff were relocated to another building.

Councilmember Starkey opposed this because of budget constraints and asked what had happened to the existing furnishings. Chief Montopoli advised that some of the furnishings had been taken to Code Compliance and what remained was "basically junk." Mr. Shimun pointed out that these funds would come out of the Building Fund, not the General Fund.

Vice-Mayor Luis remarked that this Division was generating its own income and he supported this if it would make the Division more efficient.

In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 3-1)

## **9. NEW BUSINESS**

### **9.1 District 1 Letters of Interest**

The interested parties: Bryan Caletka, Lisa Hubert, Karen Stenzel-Nowicki and Bill Liebowitz were permitted three minutes each for a presentation.

Mayor Truex favored Ms. Hubert because she had previously been on the Council, had a record of working for the residents of Palma Nova and did not intend to seek reelection in March.

Councilmember Crowley said that he did not object to Ms. Hubert, but felt they should give Mr. Caletka his seat back to finish out his term.

Vice-Mayor Luis favored Mr. Caletka because the people of District 1 had elected him.

Councilmember Starkey could not support Mr. Caletka because there were too many issues on which they disagreed and she wanted someone who had put more effort into uniting the Town. She favored Ms. Hubert or Ms. Stenzel-Nowicki, both of whom she believed had “step in” experience. Councilmember Starkey did not believe the important issues in District 1 had been represented very well in the past few years.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to re-appoint Mr. Caletka. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion failed 2-2)

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to table this item to Council’s next meeting, and to put the item at the top of that agenda.

Mr. Rayson informed Mayor Truex that Councilmembers were not prohibited from speaking with those who were interested in the District 1 seat, but they should ensure there would be no quid pro quo regarding an issue Council would vote on in the future. Nor should more than one councilmember meet with the applicant at once.

Mr. Rayson explained that the Charter specified that the appointment required a yes vote from at least three members and the vote should take place within three meetings after the vacancy occurred. The last meeting in December would be that third meeting. The Charter stated that if Council failed to select someone after the third meeting, a special election would be held to elect someone to serve the balance of the term. Mr. Rayson explained that there would be a municipal election in March and it would probably take 45 days to arrange the special election, at a cost of thousands of dollars. The Charter was clear that until an affirmative vote from three Council members, the question would be automatically tabled to the next meeting.

Mayor Truex agreed with the “resign to run” law, and acknowledged there would never be three yes votes for Mr. Caletka. He did not see the downside or the harm in selecting Ms. Hubert.

Town Clerk Muniz informed Councilmember Starkey that staff had investigated the cost of a special election, which would cost approximately \$50,000. He believed a mail-in election process would cost approximately the same because of postage requirements. Councilmember Starkey wanted to immediately advertise the special election on December 17th if Council could not agree by then.

In a roll call vote, the vote to table was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion failed 2-2)

#### 9.2 Rodeo Arena Accessory Building

Earlier in the meeting, Councilmember Crowley stated that the project had fallen short of funds and he had offered to make up the difference out of District 2 open space funds.

Special Projects Director Bonnie Stafiej discussed costs of the project and confirmed there were no change orders yet. She stated that \$275,730 was still needed.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve the additional funding of \$275,730 needed to complete the project.

Ron Bergeron said that this would complete the project and secure existing infrastructure. He said that he and the Weekleys planned to upgrade all of the facilities.

Mayor Truex questioned why this had not been presented to the Open Space Advisory Committee. Councilmember Crowley suggested that the Committee discuss this prior to the resolution being put on Council's agenda.

Councilmember Starkey agreed to amend her motion to allow the Open Space Advisory Committee to comment. She stated that she did not want to have the arena closed any longer than necessary.

In a voice vote, all voted in favor. (Motion carried 4-0)

### 10. SCHEDULE OF NEXT MEETING

### 11. MAYOR/COUNCILMEMBER'S COMMENTS

#### COUNCILMEMBER STARKEY

**HIATUS ROAD MCDONALD'S.** Councilmember Starkey requested that this matter be added to Council's next agenda. Council agreed to this. Mr. Shimun stated that this might be a walk-on item at the next meeting.

**TASTE OF DAVIE.** Councilmember Starkey described how this could be done on an evening when there was no Council meeting. She had already discussed this with a few of the restaurant owners, and said that it could be used to promote local restaurants.

**MR. MCBROOM'S BERM.** Councilmember Starkey stated that there was still a fence located on the berm and it should be removed. Mr. McBroom was working with Public Works to supply landscaping per their agreement. Public Works Director Manny Diez said that this issue was settled a long time ago. The fence belonged to Mr. McBroom and he could decide what to do with it. Mr. Diez agreed to meet with Mr. McBroom at his request.

#### MAYOR TRUEX

**PINE ISLAND RIDGE.** Mayor Truex thanked Mr. Shimun and his staff for addressing the Pine Island Ridge median issue.

**DAVIE TV.** Mayor Truex said that he had received a number of compliments on the web casts of the Council meetings and other events on the Town's web site.

**STATE BUDGET LETTERS.** Mayor Truex referred to letters they had received from State representatives regarding the budget cuts.



**LIGHTING OF THE GREEN.** Mayor Truex announced the Lighting of the Green would take place on December 7th at Town Hall

**12. TOWN ADMINISTRATOR'S COMMENTS**

No comments were provided.

**13. TOWN ATTORNEY'S COMMENTS**

13.1 Litigation Report November 2008  
Mayor Truex thanked Mr. Rayson for the update.

**14. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 11:58 p.m.

Approved\_\_\_\_\_

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\_\_\_\_\_

Mayor/Councilmember

\_\_\_\_\_  
Town Clerk